

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application.

Claims 1-3 and 5-20 are now present in this application. Claims 1, 13, 14, 17 and 18 are independent.

Claim 4 has been canceled and claims 1, 7, 14 and 16-18 have been amended. Reconsideration of this application, as amended, is respectfully requested.

Priority Under 35 U.S.C. § 119

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document.

Information Disclosure Citation

Applicants thank the Examiner for considering the references supplied with the Information Disclosure Statements filed 13 January 2006; 6 August 2007; and 7 March 2008, and for providing Applicants with initialed copies of the PTO-SB08 forms filed therewith.

Claim Objections

The Examiner has objected to claims 14 and 16-18 because of several informalities. In order to overcome this objection, Applicants have amended the claims in order to correct minor typographical errors. The claim amendments are not being made in response to any statutory requirement for patentability, and have not been narrowed in scope. Instead, the claims have been amended merely to recite the subject matter therein more clearly.

Rejection Under 35 U.S.C. § 112, 2nd Paragraph

Claim 7 stands rejected under 35 U.S.C. § 112, 2nd Paragraph. The Examiner noted a symbol used in the claim that is incorrect. In order to overcome this rejection, Applicants have amended claim 7 in accordance with the Examiner's suggestion.

Rejection Under 35 U.S.C. § 102 and § 103

Claims 1-3 and 5-12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by US 2004/0104391 (Maeda et al.). Claims 6 and 18-20 are rejected under 35 U.S.C. § 103 as being obvious over Maeda et al. and claims 4 and 13-17 are rejected under 35 U.S.C. § 103 as being obvious over Maeda et al. in view of US 2005/0168127 (Shei et al.). These rejections are respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

As an initial matter, it is noted that Shei et al. claims an earliest effective U.S. filing date of 17 August 2004. Applicants submit a translation of the Korean priority document with this response, according the Korean application's filing date of 7 April 2004 to the application. As this date antedates the effective date of Shei et al., Shei et al. cannot be used in a rejection against the application.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that independent claim 1 has been amended to include the subject matter of claim 4 and recites a combination of elements in a light emitting device including a light emitting chip, a phosphor through which a first light emitting from the light emitting chip passes. The phosphor comprises a first silicate phosphor exciting a second light having a first centered emission peak using the first light and a second silicate phosphor exciting a third light having a second centered emission peak using the first light and the first silicate phosphor has a chemical formula of $\text{Sr}_{3-x}\text{SiO}_5:\text{Eu}^{2+}_x$ ($0 < x \leq 1$).

Applicants respectfully submit that independent claim 18 has been amended to recite a combination of elements in a light emitting device including a light emitting chip emitting a light and a resin-based phosphor through which the light emitting from the light emitting chip passes. The phosphor comprises a yellow silicate phosphor exciting a second light having a first centered emission peak using the first light and a green silicate phosphor exciting a third light having a second centered emission peak using the first light, and the green silicate phosphor and the yellow silicate phosphor exist at a ratio of 1 : 2 to 1 : 5 and the yellow silicate phosphor has a chemical formula of $\text{Sr}_{3-x}\text{SiO}_5:\text{Eu}^{2+}_x$ ($0 < x \leq 1$).

Applicants respectfully submit that the combinations of elements as set forth in independent claims 1 and 18 are not disclosed or made obvious by the prior art of record, including Maeda et al., for the reasons explained above and that Shei et al. is ineffective to be used in a prior art rejection against the application. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

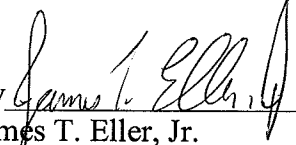
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Chris McDonald, Registration No. 41,533, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: September 23, 2008

Respectfully submitted,

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Attachment: Translation of Priority Document